

PTO/SB/04a (05-03)

Approved for use through 10/03/200x. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN OR INTERNATIONAL FILING (37 CFR 1.137(f))	Docket Number (Optional) 529252000100
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First named Inventor: Miles WU, et al.

Application No.: **10/087,045**Art Unit: **2681**Filed: **2/28/02**Examiner: **Not assigned**Title: **MEASURING THE THROUGHPUT OF TRANSMISSIONS OVER WIRELESS
LOCAL AREA NETWORKS**

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U.S.C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION
UNDER 37 CFR 1.137(b)**

1. Petition fee

Small entity-fee \$ 650.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Notice of Foreign or International Filing (35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e.g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is February 25, 2003.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64a (05-03)

Approved for use 05/01/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.
(NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

May 2, 2003

Date

Telephone
Number: 415-268-6373Peter J. Vim (Reg. No. 44,417)

Signature

Peter J. Vim

Typed or printed name

425 Market Street

Address

San Francisco, CA 94105-2482Enclosures: Fee Payment Additional sheets containing statements establishing unintentional delay Other: Fax cover sheet 1 pg.; transmittal 1 pg.; fee transmittal (in duplicate)

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

 deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.May 2, 2003

Date

Janet Hollrah

Signature

Janet Hollrah

Type or printed name of person signing certificate

MORRISON & FOERSTER LLP

Attorneys at Law
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

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MAY 13 2003

OFFICE OF PETITIONS

To: U. S. Patent and Trademark Office
Office of Petitions (Patent)

Facsimile: (703) 308-6916
Phone: (703) 308-6199

From: Peter J. Yim**Date:** May 2, 2003

We are transmitting a total of 6 pages (including this page).

If you do not receive all pages, please call (415) 268-6373 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 8566/PJY

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Comments:**DOCKET NO.:** 529252000100**GROUP ART UNIT:** 2681**EXAMINER:** Not Assigned**SERIAL NO.:** 10/087,045**FILING DATE:** February 28, 2002**INVENTOR(S):** Miles WU, et al.**TITLE:** MEASURING THE THROUGHPUT OF TRANSMISSIONS OVER WIRELESS LOCAL AREA NETWORKS**Papers attached:**

1. Transmittal (1 Page)
2. Fee Transmittal w/duplicate copy for fee processing (2 Pages)
3. Petition For Revival of an Application For Patent Abandoned For Failure To Notify The Office of a Foreign or International Filing (2 Pages)
4. Facsimile Cover Sheet

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OFFICE OF PETITIONS

Please type a plus sign (+) inside this box → PTO/SB/21 (08-00)
Approved for use through 10/31/02. OMB 0651-0031U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/087,045
		Filing Date	February 28, 2002
		First Named Inventor	Miles WU
		Group Art Unit	2681
		Examiner Name	To Be Assigned
Total Number Of Pages In This Submission	5	Attorney Docket No.	52825-2000100

ENCLOSURES (check all that apply)

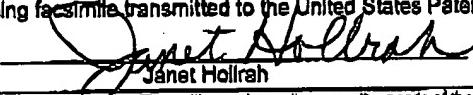
<input checked="" type="checkbox"/> Fee Transmittal Form w/duplicate copy for fee processing (2 Pages)	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition (2 Pages)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declarations	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Cover Sheet
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual Name	Peter J. Yim (Reg. No. 44,417) Morrison & Foerster LLP 425 Market Street San Francisco, California 94105-2482
Signature	
Date	May 2, 2003

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 2, 2003.


Janet Hollrah

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OFFICE OF PETITIONS

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **\$650.00**

Complete If Known

Application Number	10/087,045
Filing Date	February 28, 2002
First Named Inventor	Miles WU
Examiner Name	To Be Assigned
Group Art Unit	2681
Attorney Docket No.	529252000100

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number **03-1952**

Deposit Account Name **Morrison & Foerster LLP**

The Commissioner is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Description	
1051	180	2051 85 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	410	2252 205 Extension for reply within second month	
1253	930	2253 465 Extension for reply within third month	
1254	1,450	2254 725 Extension for reply within fourth month	
1255	1,970	2255 985 Extension for reply within fifth month	
1401	320	2401 180 Notice of Appeal	
1402	320	2402 180 Filing a brief in support of an appeal	
1403	280	2403 140 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,300	2453 850 Petition to revive - unintentional	
1501	1,300	2501 650 Utility issue fee (or reissue)	
1502	470	2502 235 Design issue fee	
1509	630	2503 315 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1808	180	1808 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	750	2809 975 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801 375 Request for Continued Examination (RCE)	
1802	800	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
"Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	\$650.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
Total Claims	** =	
Independent Claims	** =	
Multiple Dependent		

Large Entity Small Entity

Fee Code	Fee Code	Fee Description
1202	18	2202 0 Claims in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 ** Reissue independent claims over original patent
1205	18	2205 0 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0)

** or number previously paid, if greater; For Reissues, see above

Complete (if applicable)

Name (Print/Type)	Peter J. Yim	Registration No. (Attorney/Agent)	44,417	Telephone	(415) 268-6373
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Signature	Peter J. Yim	Date	May 2, 2003
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DUPLICATE COPY FOR FEE PROCESSING

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032

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FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$650.00

Complete if Known

Application Number	10/087,045
Filing Date	February 28, 2002
First Named Inventor	Miles WU
Examiner Name	To Be Assigned
Group Art Unit	2681
Attorney Docket No.	529252000100

METHOD OF PAYMENT (check all that apply)

<input type="checkbox"/> Check	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Money Order	<input type="checkbox"/> Other	<input type="checkbox"/> None
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 Deposit Account

Deposit Account Number	03-1952
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Deposit Account Name	Morrison & Foerster LLP
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The Commissioner is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	280	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	180	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$0)					\$650.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- ** =	<input type="text"/> X <input type="text"/> =	<input type="text"/>
Multiple Dependent	- ** =	<input type="text"/> X <input type="text"/> =	<input type="text"/>
		<input type="text"/> =	<input type="text"/>

Large Entity Small Entity

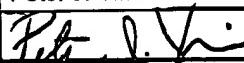
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	8	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	8	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$0)				

** or number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

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1453	1,300	2453 650 Petition to revive - unintentional	
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1810	750	2810 375 For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801 375 Request for Continued Examination (RCE)	
1802	800	1802 900 Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			SUBTOTAL (3) \$650.00

Complete if Known

SUBMITTED BY	Name (Print/Type)	Peter J. Yim	Registration No. (Attorney/Agent)	44,417	Telephone	(415) 268-6373
Signature			Date	May 2, 2003		